

EXHIBIT 44

Redacted Excerpts from the 30(b)(6) Deposition of Lawrence Epstein on Fighter Compensation

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON)
FITCH, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
vs.) Case No.
) 2:15-cv-01045-RFB- (PAL)
)
ZUFFA, LLC, d/b/a Ultimate)
Fighting Championship and)
UFC,)
)
Defendant.)
)

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF IKE LAWRENCE EPSTEIN

LAS VEGAS, NEVADA

AUGUST 15, 2017

9:32 A.M.

REPORTED BY:
MICHELLE R. FERREYRA, CCR No. 876
JOB NO. 51651

Ike Lawrence Epstein - HIGHLY CONFIDENTIAL
the night bonuses. During the relevant period, they
were called submission of the night, knock out of the
night bonuses.

18

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The figure is a horizontal bar chart. The y-axis lists ten different responses: "A few days ago", "A week ago", "A month ago", "A year ago", "A few years ago", "A decade ago", "A few decades ago", "A century ago", "A few centuries ago", and "I don't know". The x-axis represents the length of time, with tick marks at "A few days ago", "A week ago", "A month ago", "A year ago", "A few years ago", "A decade ago", "A few decades ago", "A century ago", and "I don't know". Each response has a corresponding horizontal bar. The bars for "A few days ago", "A week ago", "A month ago", "A year ago", "A few years ago", "A decade ago", and "A few decades ago" are very long, extending almost to the right edge of the chart. The bar for "A century ago" is shorter, and the bars for "A few centuries ago" and "I don't know" are the shortest.

Q. And do you recall roughly how long ago that change was?

A. I don't. We provided some written documents to you, I believe, that detailed this, exactly when the changes were made; so I'd rely on those for my testimony.

19

21

Q. Okay. And so during one of those periods of time, any fighter that won fighter of the night bonus, for example, would have received the same amount?

A. I believe that's true, yeah.

Q. Same for performance of the night?

12 A. Yes.

O. Submission of the night?

14 A. Yes.

Q. Knock out of the night?

16 A. Correct.

17 Q. Did I forget any?

18 A. I don't k

Figure 1. The effect of the number of clusters on the classification accuracy of the proposed model. The proposed model is compared with the KNN classifier.

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22

A horizontal bar chart illustrating the percentage of respondents who have heard of various environmental terms. The y-axis lists the terms, and the x-axis represents the percentage from 0% to 100%, with a vertical dashed line at 50%.

Term	Percentage (%)
Global warming	98
Green energy	95
Sustainable development	92
Clean water	90
Renewable energy	88
Carbon footprint	85
Recycling	82
Organic food	78
Eco-friendly	75
Biodiversity	72
Green technology	68
Climate change	65
Green building	62
Green products	58
Green infrastructure	55
Green economy	52
Green space	48
Green transportation	45
Green architecture	42
Green waste	38
Green building	35
Green energy	32
Green infrastructure	28
Green economy	25
Green transportation	22
Green architecture	18
Green waste	15
Green products	12
Green infrastructure	8
Green economy	5
Green transportation	3
Green architecture	1
Green waste	0

23

Term	Percentage
GMOs	~85%
Organic	~75%
Natural	~75%
Artificial	~65%
Organic	~75%
Natural	~75%
Artificial	~65%
Organic	~75%
Natural	~75%
Artificial	~65%

Category	Value
A	1
B	2
C	3
D	4
E	5
F	6

11 Q. Do you recall any athlete that you – that
12 Zuffa did that for?

13 MR. WIDNELL: Objection. This line is beyond
14 the scope of the 30(b)(6).

15 THE WITNESS: I don't, but there were
16 many -- there were many. I don't recall off the top of
17 my head, but there were many.

18 MR. RAYHILL: Nick, I -- I understand your
19 objection, but I think --

20 MR. WIDNELL: Okay. Can -- can we just make
21 it a continuing objection, just so that -- for
22 simplicity sake because --

23 MR. RAYHILL: Absolutely. That's fine.
24 That's fine.

25 MR. WIDNELL: I fail to see how any of this

Category	Frequency
0	~95
1	~75
2	~78
3	~80
4	~82
5	~85
6	~88
7	~85
8	~82
9	~65



8 (Pages 26 to 29)



9 (Pages 30 to 33)

1 Ike Lawrence Epstein HIGHLY CONFIDENTIAL
2 the front. And I just want to point out that the date
3 on the front says January 2015.

A. I see it.

Q. Okay. Okay. So looking at that first column, again on the last page

A. Yes.

Term	Percentage
GMOs	~85%
Organic	~95%
Natural	~90%
Artificial	~75%
Organic	~90%
Natural	~85%
Artificial	~70%
Organic	~80%
Natural	~75%
Artificial	~65%

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77



20 (Pages 74 to 77)

	78		80
		Ike Lawrence Epstein - HIGHLY CONFIDENTIAL	
1		MR. WIDNELL: So you have asked a number of	
2		questions where you said, Are you aware of an instance	
3		where a fighter won four times and the -- the	
4		compensation increased? We did not prepare the	
5		witness, just to be clear, to answer at -- at that	
6		level of detail for each individual fighter.	
7		MR. RAYHILL: Okay. Well, your objection is	
8		noted. I would point out that it's an inappropriate	
9		speaking objection.	
10		MR. WIDNELL: I -- I was trying to help	
11		clarify in terms of questions that you -- you continue	
12		to ask. Because you've asked that question a number of	
13		times, and I wanted to try and make sure that you	
14		understood our understanding of the -- the 30(b)(6)	
15		requirements.	
16		MR. RAYHILL: I -- I understand. But, you	
17		know, I think the proper way to handle this is to state	
18		your objection as to form and leave it at that. Fair	
19		enough.	
20		MR. WIDNELL: I disagree, but I understand	
21		what you are saying.	
22		MR. RAYHILL: Okay.	
23		BY MR. RAYHILL:	
24			
	79		81
9		MR. WIDNELL: I just want to object quickly.	
10		I don't believe -- or we do not believe that those are	
11		within the scope that the witness should have to be	
12		able to answer about the compensation of each and	
13		individual fighter after each and every individual	
14		fight.	
15		You do have that information. We have	
16		provided it. I want to make clear that you can answer	
17		those questions simply by looking at the data that we	
18		have produced. But I -- I do want to make it clear	
19		that we don't think it's appropriate to -- or within	
20		the scope to expect the witness to be able to answer,	
21		you know, has this scenario ever happened and have that	
22		kind of encyclopedic knowledge about each and every	
23		individual fighter's compensation.	
24		MR. RAYHILL: So, first of all, I haven't	
25		asked him about individual fighter's compensation.	

21 (Pages 78 to 81)

	106		108
		Ike Lawrence Epstein - HIGHLY CONFIDENTIAL	
1		BY MR. RAYHILL:	
2		Q. Okay. You have been handed what's been	
3		marked as Exhibit 8. It has the Bates No. ZFL 2701804,	
4		and it has an attachment that begins at the Bates	
5		No. ending in 1810. Let me know when you have had a	
6		chance to look it over.	
7		A. All right.	
8			
16	MR. RAYHILL: I will just note for the record		
17	that that theory was posited in the -- the -- our		
18	motion to challenge privilege on the Mercer documents,		
19	and I believe it was rejected by the Court.		
20	MR. WIDNELL: Just to be clear, I think the		
21	Court rejected the privilege on the basis of that		
22	point, but I don't think that the Court made a factual		
23	finding that that wasn't the intent of -- of Zuffa and		
24	its counsel in what it did.		
25	MR. RAYHILL: Fair enough. I will accept		
	107		109
1	Ike Lawrence Epstein - HIGHLY CONFIDENTIAL		
2	that statement. Okay.		
3	BY MR. RAYHILL:		
16	MR. RAYHILL: Okay. I have no more questions		
17	about that document.		
18	We can go off the record and break for lunch.		
19	VIDEOGRAPHER: We are off the record at		
20	12:03 p.m.		
21	-o0o-		
22	(Lunch recess)		
23	-o0o-		
24	(Exhibit 8 marked.)		
25	VIDEOGRAPHER: We are back on the record at		
		including bonuses. Do you know if Zuffa provided this	

The figure consists of four panels arranged in a 2x2 grid, labeled 110, 111, 112, and 113. Each panel contains 15 horizontal bars. The bars are black with white outlines. In panel 110, the bottom-left bar is highlighted with a red box. In panel 112, the top-right bar is highlighted with a red box. In panel 113, the bottom-left bar is highlighted with a red box.

114

A horizontal bar chart illustrating the percentage of respondents who have heard of various environmental terms. The y-axis lists the terms, and the x-axis represents the percentage from 0% to 100%.

Term	Percentage (%)
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Carbon footprint	88
Renewable energy	85
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Green economy	78
Climate change	75
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Green building	62
Green products	58
Green infrastructure	55
Green space	52
Green transportation	48
Green architecture	45
Green waste	42
Green recycling	38
Green energy source	35
Green energy source	32
Green energy source	28
Green energy source	25
Green energy source	22
Green energy source	18
Green energy source	15
Green energy source	12
Green energy source	8
Green energy source	5
Green energy source	2
Green energy source	1
Green energy source	0

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(Exhibit 9 marked.)

BY MR. RAYHILL:

Q. You have being handed what's been marked as Exhibit 9.

MR. RAYHILL: Correct?

MADAM REPORTER: Yes.

BY MR. RAYHILL:

Q. Okay. It's e-mail and an attachment. The e-mail has the Bates stamp No. ZFL-2701738. And the attachment begins at ZFL-2701740. This is a spreadsheet that was produced in native form; so it's something that formatting reflects how we -- plaintiffs printed the document up. Let me know when you've had a chance to look it over.

16 A. I have looked at it quickly. Obviously, it's
17 many, many pages; so I can't look at it in detail.

18 Q. Okay. All right. So the e-mail on the
19 front -- front page is from Hunter Campbell to Patrick
20 Ro at Mercer.com. The date is November 26, 2013.

21 A. Yeah.

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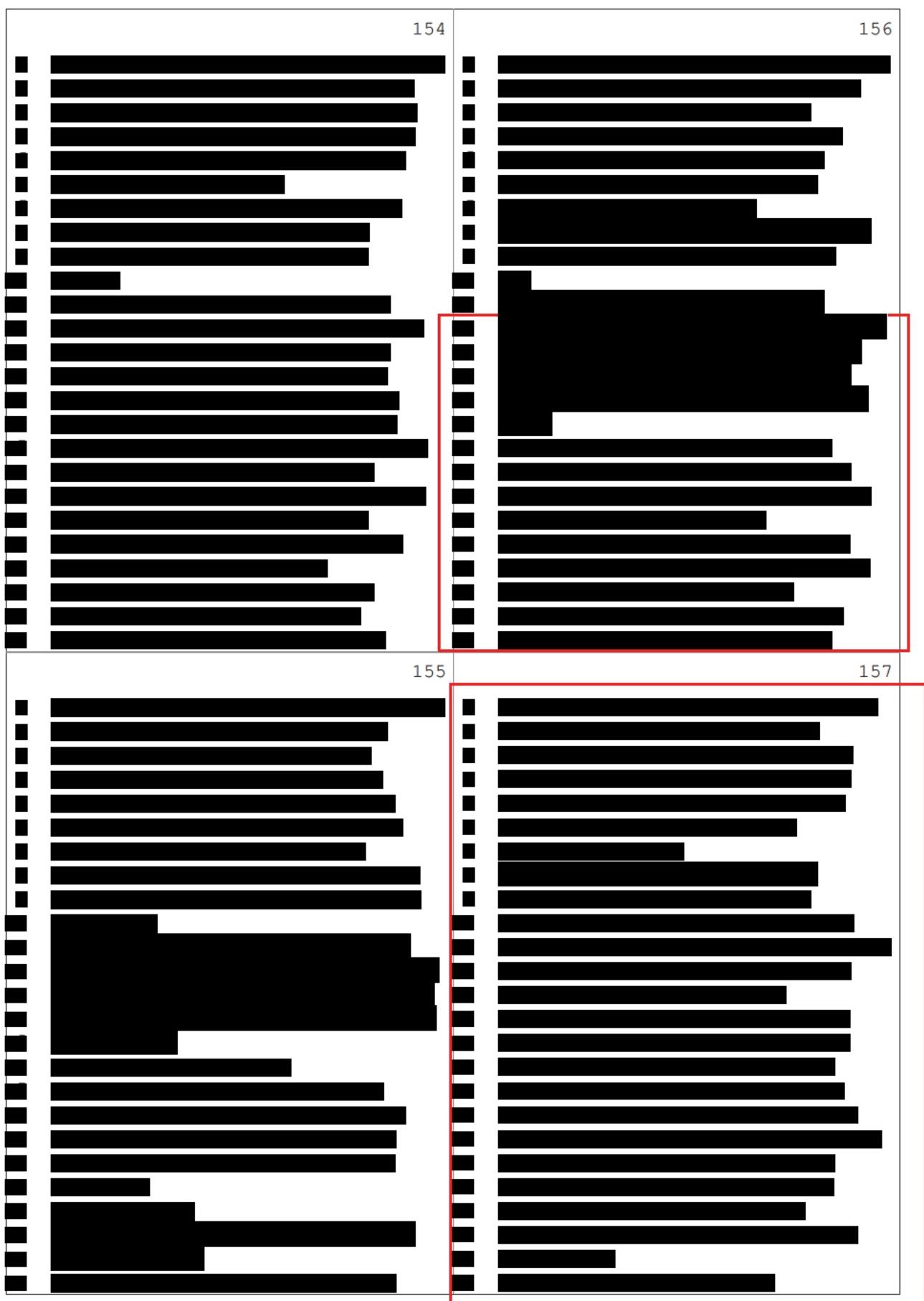
Category	Number of Samples
1	0
2	0
3	0
4	0
5	100
6	100
7	100
8	100
9	100
10	999

The figure is a horizontal bar chart with 13 bars. The y-axis is labeled with grade levels: 6th, 7th, 8th, 9th, 10th, 11th, 12th, HS, HS, HS, HS, HS, HS, HS. The x-axis is labeled with percentages: 0%, 25%, 50%, 75%, 100%. Each bar represents the percentage of students in a specific grade level who have been exposed to a substance. The bars are black with white outlines. Vertical error bars are present on each bar, indicating a confidence interval. The chart shows that exposure increases with grade level, with the highest exposure rates occurring in the 12th grade and High School groups.

Grade Level	Exposure Percentage (%)
6th	~10
7th	~15
8th	~20
9th	~30
10th	~40
11th	~50
12th	~60
HS	~70
HS	~75
HS	~80
HS	~85
HS	~90
HS	~95
HS	~98



39 (Pages 150 to 153)



40 (Pages 154 to 157)



41 (Pages 158 to 161)

	270	272
	[REDACTED]	1 STATE OF)
	[REDACTED]	2) :ss
	[REDACTED]	3 COUNTY OF)
	[REDACTED]	4
	[REDACTED]	5
	[REDACTED]	6
	[REDACTED]	7 I, IKE LAWRENCE EPSTEIN, the
	[REDACTED]	8 witness herein, having read the foregoing
	[REDACTED]	9 testimony of the pages of this deposition,
	[REDACTED]	10 do hereby certify it to be a true and
	[REDACTED]	11 correct transcript, subject to the
	[REDACTED]	12 corrections, if any, shown on the attached
	[REDACTED]	13 page.
	[REDACTED]	14
	[REDACTED]	15
	[REDACTED]	16 IKE LAWRENCE EPSTEIN
	[REDACTED]	17
	[REDACTED]	18
19	MR. RAYHILL: Okay. I have no more	19
20	questions.	20
21	MR. WIDNELL: I have no questions either.	21
22	VIDEOGRAPHER: We're finished?	22
23	MR. RAYHILL: Yes.	23
24	VIDEOGRAPHER: This concludes today's	24
25	deposition of Ike Lawrence Epstein. The number of	25
	271	273
1	Ike Lawrence Epstein - HIGHLY CONFIDENTIAL	1 CERTIFICATE OF REPORTER
2	media used was four. We are off the record at	2 STATE OF NEVADA)
3	6:21 p.m.	3 COUNTY OF CLARK)
4	(Thereupon, the videotaped deposition	4 I, Michelle R. Ferreyra, a Certified Court
5	concluded at 6:21 p.m.)	5 Reporter licensed by the State of Nevada, do hereby
6		6 certify: That I reported the videotaped deposition of
7		7 IKE LAWRENCE EPSTEIN, commencing on TUESDAY, AUGUST 15
8		2017, at 9:32 a.m.
9		8 That prior to being deposed, the witness was
10		9 duly sworn by me to testify to the truth. That I
11		10 thereafter transcribed my said stenographic notes into
12		11 written form, and that the typewritten transcript is a
13		12 complete, true and accurate transcription of my said
14		13 stenographic notes, and that a request has been made to
15		14 review the transcript.
16		15 I further certify that I am not a relative,
17		16 employee or independent contractor of counsel or of any
18		17 of the parties involved in the proceeding, nor a person
19		18 financially interested in the proceeding, nor do I have
20		19 any other relationship that may reasonably cause my
21		20 impartiality to be questioned.
22		21 IN WITNESS WHEREOF, I have set my hand in my
23		22 office in the County of Clark, State of Nevada, this
24		23 31st day of August, 2017.
25		24
		25 MICHELLE R. FERREYRA, CCR No. 876

<p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over carefully</p> <p>4 and make any necessary corrections. You should state</p> <p>5 the reason in the appropriate space on the errata</p> <p>6 sheet for any corrections that are made.</p> <p>7 After doing so, please sign the errata sheet</p> <p>8 and date it.</p> <p>9 You are signing same subject to the changes</p> <p>10 you have noted on the errata sheet, which will be</p> <p>11 attached to your deposition.</p> <p>12 It is imperative that you return the original</p> <p>13 errata sheet to the deposing attorney within thirty</p> <p>14 (30) days of receipt of the deposition transcript by</p> <p>15 you. If you fail to do so, the deposition transcript</p> <p>16 may be deemed to be accurate and may be used in court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>274</p>
<p>1 E R R A T A</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I wish to make the following changes,</p> <p>6 for the following reasons:</p> <p>7</p> <p>8 PAGE LINE</p> <p>9 CHANGE:</p> <p>10 REASON:</p> <p>11 CHANGE:</p> <p>12 REASON:</p> <p>13 CHANGE:</p> <p>14 REASON:</p> <p>15 CHANGE:</p> <p>16 REASON:</p> <p>17 CHANGE:</p> <p>18 REASON:</p> <p>19 CHANGE:</p> <p>20 REASON:</p> <p>21</p> <p>22</p> <p>23 WITNESS' SIGNATURE DATE</p> <p>24</p> <p>25</p>	<p>275</p>

70 (Pages 274 to 275)